

## **Murray Code Enforcement Board Minutes**

### **October 3, 2006**

The Murray Code Enforcement Board met in regular session on October 3, 2006 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

**Board Members Present:** Bill Adams, Ben Blakely, Mitzi Key, and Thomas Rottinghaus

**Board Members Absent:** Sam Underwood

**Others Present:** David Roberts and Dannela Cossey

Chairman Ben Blakely called the meeting to order and had an attendance roll call.

**Approve Minutes from July 17, 2006 Meeting:** Chairman Blakely asked for approval of the July 17, 2006 minutes. **Mitzi McCallon made a motion to approve the July 17, 2006 minutes. Thomas Rottinghaus seconded the motion.**

**Default Case – Lawrence Karns:** Chairman Blakely called the default case to order and Dannela Cossey read the case information. Chairman Blakely asked if any Board member had any direct or indirect financial or personal interest in any matter to be decided by the Board. All board members answered no. Chairman Blakely asked the City representative, Angel Burkeen to come forward and administered the oath. Officer Burkeen submitted copies of the citations that were issued and stated that she started the case but due to a shift change someone else had been handling it. Officer Burkeen also submitted pictures as evidence of the property at the beginning of the case and pictures as of today. Officer Burkeen stated in the beginning the grass was high and the garage was covered with trash cans and some of those things have been taken care of. Officer Burkeen stated that the last notation on October 3, 2006 made by Officer Keith Covey stated that vehicles were still in the yard and grass was grown up on the back fence row. Officer Burkeen continued to say that she first made contact with Mr. Karns on May 5, 2006 and Mr. Karns told her that he would take care of the problem. Mr. Rottinghaus asked as of September 14<sup>th</sup> if the vehicles were the primary problem. Officer Burkeen answered yes along with some broken down bicycles but most of the pieces of the bicycles have been picked up. Officer Burkeen stated on June 26, 2006, Mr. Karns said that his work would be shut down in two weeks and that would be the time he could take care of anything. Mr. Adams asked where the abandoned vehicles were parked on the property. Officer Burkeen said in the back yard. Mr. Rottinghaus asked if Mr. Karns received a certified copy of the citation. Ms. Cossey stated that Mr. Karns signed for the citation. Mr. Rottinghaus asked if Mr. Karns gave any indication whether the cars run or who they belonged to. Officer Burkeen answered no. Mr. Rottinghaus asked if Mr. Karns rents or owns. Ms. Cossey answered that Mr. Karns rents. Mr. Rottinghaus asked if Mr. Karns seemed cooperative. Officer Burkeen answered yes that Mr. Karns seemed like he wanted to take care of it. Chairman Blakely closed the default case and the Board began to deliberate. Mr. Blakely stated that the Board had to find for the City in a default case but it was up to the Board whether a fine would be levied. Mr.

Blakely stated that it did look like Mr. Karns had been trying but it had been ongoing for five months and the Board levying a fine to be paid in 30 days would be one idea. Mr. Rottinghaus stated that he is in favor of levying a fine because even though Mr. Karns had been trying, he had enough time to take care of the problem and didn't. Mr. Blakely asked what is considered as an abandoned vehicle. Mr. Roberts said he believed if a vehicle is licensed it is operable with the word operable meaning the vehicle can be moved. Mr. Rottinghaus said that each Board member could write down or say a fine amount then take an average. Mr. Adams said he felt \$100.00 per day for this particular case was a little strong. After each Board member gave an amount, Chairman Blakely said the average was \$250.00 plus \$100.00 for the cost of a meeting with four Board members present. Mr. Adams asked if the Board was authorized to add on meeting cost to the fine. Mr. Roberts stated that the Board can set any amount or waive any amount up to the maximum fine in addition to any fees occurred by the City. Ms. Key suggested that the fine be \$375.00 and paid within 30 days. Mr. Blakely asked if the fine and violation wasn't taken care of within the 30 days would it be readdressed. Mr. Roberts said this would be considered the first offense and if it wasn't taken care of within the time set by the Board then the City would have the recourse of legal means to recover the fine and the code enforcement officer would have to issue another violation which would be considered as a second offense. Mr. Adams asked if it would come before the Board again if there was a second offense. Mr. Roberts answered if another citation was issued then yes. Mr. Rottinghaus suggested that the Board give Mr. Karns 30 days to pay the fine and come into compliance with the violation. **Thomas Rottinghaus made a motion ordering Lawrence Karns to pay a civil fine in the amount of \$375.00 to the City of Murray within 30 days and to come in compliance of the violations within 30 days. Bill Adams seconded the motion.** Mr. Rottinghaus said that the Board needed to state their findings of fact. The Board concluded that the findings of fact were: it was a default case which means the respondent did not respond to the violation by payment or requesting a hearing so the Board is required to find for the City, the violation did exist and Mr. Karns was still not in complete compliance, Mr. Karns did receive a copy of the violation, and Mr. Karns had ample time to come into compliance. Mr. Adams asked what if the cars were now operable and Mr. Blakely said he would like to know what constitutes an abandon vehicle. Mr. Roberts read Section PM 303.8 Motor Vehicles from the Property Maintenance Code.

Being no further business, Mitzi Key made a motion to adjourn.

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Chairman, Ben Blakely

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Recording Secretary, Dannetta Cossey